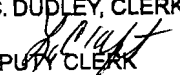


JAN 27 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

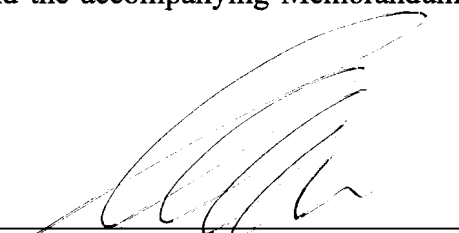
JOE LYNN CLARY,	)	
Petitioner	)	Civil Action No. 7:10cv00477
	)	
v.	)	<u>FINAL ORDER</u>
	)	
GENE M. JOHNSON,	)	By: Samuel G. Wilson
Respondent.	)	United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that respondent's motion to dismiss (Docket No. 12) is **GRANTED**; the above referenced 28 U.S.C. § 2254 petition is **DISMISSED**; Clary's motion to expand the record (Docket No. 15) is **DENIED**; and this action is **STRICKEN** from the active docket of the court.

Further, finding that Clary has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to petitioner and counsel for respondent.

ENTER: This 27th of January, 2011.

  
United States District Judge